

Remarks/Arguments

The claims have been amended to more clearly define the invention. Even in light of these amendments, no new matter has been added. It would be appreciated if the Examiner would indicate the acceptance of this amendment in the next office communication.

Claim Rejections - 35 USC § 112

The Examiner has rejected claims 13-16 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner asserts that there is no disclosure in the specification for a closure device having both a notch and hole. Accordingly, claim 13, which recites a notch, has been amended so that it depends from claim 8, which does not recite a hole. Since these claims no longer recite a closure device having both a notch and hole, withdrawal of this rejection is respectfully requested.

Claim Rejections - 35 USC § 102

The Examiner has rejected claims 1,2,4,5, 7-10, 13, and 14 under 35 U.S.C. § 102(b) as being anticipated by Nightengale, Jr.

(US 3,994,409). However, Nightengale does not teach every claimed element, namely "storage means accessible through the second portion for allowing insertion of the tamper-evident tab therein once the tamper-evident tab has been separated from the first and second portions." Thus, as discussed in detail below, withdrawal of this rejection is respectfully requested.

Nightengale generally discloses a closure having a tear strip that can be removed to permit removal of the closure. A closure 15 includes a tear strip 37, which divides the closure 15 into a closure section 39 and a retainer section 41, as shown in Figures 3 and 4. The retainer section 41 has a tab 61 with a downwardly sloping slot 63 for *attaching* the tear strip 37 to the retainer section 41.

To open a container 13, a user removes the closure section 39 and the tear strip 37 from the retainer section 41 along a line of weakness 51 so that the closure section 39 and the tear strip 37 can be removed from the container 13. The tear strip 37 can then be used to attach the closure section 39 to the retainer section 41 by inserting the tear strip 37 into the slot 63, as shown in Figure 4. With the closure section 39 attached to the retainer section 41, the closure section 39 cannot be lost and the closure section 41 can reclose the container 13.

Accordingly, Nightengale lacks a teaching of any "storage

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means accessible through the second portion for allowing insertion of the tamper-evident tab therein once the tamper-evident tab has been separated from the first and second portions," because it does not teach any storage means that are comparable to the storage means disclosed in the specification of the present application. The storage means disclosed in the specification of the application includes an accessible storage space 18 between the closure skirt 5 and the container neck 2 so that the tamper-evident tab 6 can be stored therein after it has been removed from the closure 1.' While Nightengale does disclose a tear strip 37 that attaches to the slot 63, Nightengale does not teach any storage space between the closure and the neck of the container. Further, Nightengale provides no teaching that the tear strip is stored in a space between the closure and the neck. In contrast, Nightengale teaches a tear strip that is attached to a slot 63 on an outer surface of the closure. Thus, the slot 63 of the Nightengale patent functions in a much different manner than the storage means of the present invention. Since Nightengale does not teach any storage means that are comparable to the storage means disclosed in the specification of the present application, withdrawal of this rejection is respectfully requested.

In view of the foregoing, it is now believed that the claims

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are in condition for allowance. Thus, reconsideration of the rejections is respectfully requested and favorable consideration and allowance of the claims solicited. Should the Examiner have any questions regarding this response, the amendments submitted herewith, or the allowability of the claims, it would be appreciated if the Examiner would contact the undersigned attorney of record at the telephone number provided below for purposes of facilitating prosecution of this application.

Respectfully submitted,

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By 

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Date: March 19, 2007

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